

IN THE UNITED STATES COURT

STATE OF MISSISSIPPI

3:15cv57-CWR-LRA
PLAINTIFF

VERDUD ^⑤ G.I. CAPIAS (PROCESS KEY 9; EXECUTION KEY 421, O.J.S. EXECUTION § 24;
CRIMINAL LAW KEY 1000; FINES KEY 9)... NUMBER
A.S.P. (April 2015)

MR. CHRISTOPHER L(B). EPPS, and
MR. CECIL M^{CR}ORY

DEFENDANT

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¹¹ MOTION TO LEAVE BY THE APPROPRIATE COURT(S) FOR PROSECUTING
AND EXECUTION THE ABOVE CITED DEFENDANT(S) UNDER
CHARGE WITH FAILURE TO PERFORM ANY DUTY AND FAILURE TO RETURN
KNOWN OFFENDERS; PURPOSEFUL AVOIDANCE OF KNOWLEDGE OF
OFFENSE) CIVIL LIABILITY OF OFFICERS FOR FAILURE TO
PERFORM DUTIES
ARE THE TRUE AND CORRECT REMEDY (for ~~Attached~~/enclosed
on pages 1 thru 3) AND RELIEF (for ~~Attached~~/enclosed
on pages 1 thru 32) OF THE STATUTES (MODEL PENAL CODE §
1.13(1)), ISSUES (UNIFORM PROBATE CODE §§ 1-201(21), GROUNDS
(M.C.A. (1972) §§ 99-39-5), AND CLAIMS (UNIFORM PROBATE CODE §§ 5-103(1))
FOR RELIEF ⁹⁹ (enclosed/~~Attached~~ PAGES 1 thru 43); *Walters*
vs. Walton, 6 N.C. App. 415, 170 S.E. 2d 166, 169

NOTE: ^⑤ meanted SEE, 38 U.S.C. §§ 693 ET SEQ.; 38 U.S.C.A. §§ 693 ET SEQ. (B. of Right).
- notice of motion: FEDERAL CIVIL PROCEDURE KEY 921; MOTIONS KEY 18.1.0. J.S. Motions and
ORDER § 13. F.R.CIV.P. 5(d), 7(d)(1); FED. R. CIV. P. FORM 19 (MISS. R. CIV. P.)

SEE, PROSECUTE: ^{'A'}

- (1. STYLE OF PROCESS. "THE STATE OF MISSISSIPPI". MISS. CONST. ART. , § 169(4)
- (2. PROSECUTION. "STATE OF MISSISSIPPI"
- (3. INDICTMENT. "AGAINST THE PEACE AND DIGNITY OF THE STATE".
MISS. CONST. ART. III, § 22; U.R.C.C. RULE 7.06; M.C.A. (1972), §§ 99-7-21
- (4. SEARCH WARRANTS. M.C.A. (1972), §§ 41-29-157
- (5. VICTIM (PETITIONER, PLAINTIFF, MANDATOR, COMPLAINT, APPEALED) RIGHTS.
MISS. CONST. ART. III, §§ 26 AND 26A(4)
- (6. SEARCH AND SEARCHES. MISS. CONST. ART. III, § 23(1)

EXECUTION: ^{'B'}

- (1. MISS. R. CIV. P. 69 (RELEVANT NOTES; COMMENTS AND JUDICIAL DECISIONS)

REMEDY: ^{'C'}

- (1. ADEQUATE REMEDY AT LAW. SPECIFIC PERFORMANCE KEY 5, C.T.S. SPECIFIC PERFORMANCE § 8
- (2. SPEEDY REMEDY. ROOSEVELT VS. LA SALLE NATL. BANK, 450 U.S. 503, 518 (1981)
INJUNCTION KEY 1, C.T.S. INJUNCTIONS §§ 2-4, 12, 14, 22, 24, 166
- (3. ADMINISTRATIVE REMEDY. ADMINISTRATIVE LAW AND PROCEDURE KEY 229, C.T.S. PUBLIC ADMINISTRATION LAW AND PROCEDURE §§ 38-42
- (4. SPECIFIC REMEDY. SPECIFIC PERFORMANCE KEY 126, C.T.S. SPECIFIC PERFORMANCE §§ 189-193
- (5. LAW OF REMEDY. DOUGLAS GAYLOCK, MODERN AMERICAN REMEDIES 1 (3RD ED. 2002)

- (6. REMEDY OVER. INJUNCTION key 1. C.T.S. injunctions §§2-4, 12, 14, 22, 24, 166.
- (7. EQUITABLE REMEDY. INJUNCTION key 17; SPECIFIC PERFORMANCE key 1. C.T.S. injunctions §31; SPECIFIC PERFORMANCE §§2, 5-6
- (8. PROVISIONAL REMEDY. ATTACHMENT key 1; INDEMNITY key 20. C.T.S. Attachment §§2-4, 7; Subrogation §§2-15, 19, 91
- (9. EXTRAORDINARY REMEDY. MANDAMUS key 3 (1)-3(2.1). C.T.S. Mandamus §§18-19, 21-23, 31.
- (10. CONCURRENT REMEDY
- (11. EXTRA JUDICIAL REMEDY
- (12. JUDICIAL REMEDY
- (13. SUBSTITUTIONAL REMEDY. Douglas Laycock, THE DEATH OF THE IRREPARABLE INJURY RULE 13(1994): CONTRACTS key 324(1). C.T.S. Architects §§39, 47, 51; Contracts §600, and
- (14. LEGAL REMEDY. ACTION key 21. C.T.S. Actions §124.

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RELIEF:

- (1. THE REDRESS OR BENEFIT, ESPECIALLY EQUITABLE IN NATURE (such as an injunction or specific performance) THAT PLAINTIFF / PETITIONER ASKS OF THE COURT; AID OR ASSISTANCE GIVEN TO PETITIONER / PLAINTIFF IN NEED, ESPECIALLY FINANCIAL AID PROVIDED

BY THE STATE OF MISSISSIPPI. SOCIAL SECURITY AND PUBLIC WELFARE
key 4. C.T.S. Social Security and Public Welfare §§6, 10, 17

(3. COERCIVE RELIEF

14. THERAPEUTIC RELIEF

15. INTERIM RELIEF

16. RELIEF. SHOMRO A. BEEGIN & PAUL B. HASKELL, PREFACE TO ESTATES
IN LAND AND FUTURE INTERESTS 8 (20 ED. 1984) and

17. ALTERNATIVE RELIEF, SPECIFIC PERFORMANCE key 127. C.T.S. Specific
Performance §§194-196, 198-199

^{'E'}
SPECIAL-RELATIONSHIP EXCEPTION. STATES key 112. 2(2)

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^{'F'}
DANGER-CREATION EXCEPTION. STATES key 112. 2(4)

^{'G'}
LEGAL ESTOPPEL. ESTOPPEL key 1-51. C.T.S. Estoppel. §§3, 5-54, 201-204,
206-208, 210-211.

^{'H'}
MERGER OF OFFENSES. CRIMINAL LAW key 30. C.T.S. Criminal Law §§14
16-18. SEE, CORPORATIONS key 581. C.T.S. Corporations
§§ 792-797 (corporate merger), JUDGMENTS key 582. C.T.S. Judgments § 204 (civil

procedure), 3 JAMES KENT, COMMENTARIES ON AMERICAN LAW ^X 99 (George
 Comstock ed., 11th ED. 1866); ESTATES IN PROPERTY KEY 10, C.S.
 ESTATES § 129, 152 (CONTRACT); WILLIAM R. ANDERSON, PRINCIPLES OF THE
 LAW OF CONTRACT 85 (ARTHUR J. CORBIN ED., 3D AM. ED. 1919); CONTRACTS
 KEY 245, C.S.S. CONTRACTS § 416 (MERGED) AND 54 AM. JUR. 2D MONOPOLIES,
 RESTRAINTS OF TRADE, AND UNFAIR TRADE PRACTICES § 169, AT 226 (1996);
 MONOPOLIES KEY 20 (9)-C.S.S. MONOPOLIES § 110, 114 (CONGLOMERATE
 MERGER), BUT SEE, APPRAISAL REMEDY (CORPORATIONS KEY 445, C.S.S.
 CORPORATIONS § 657), ORDER ^{'I'} (U.C.C. § 3-102 (4)(b)), TORTIOUS ^{'J'} (RESTATEMENT (2ND) OF
 TORTS § 6), INSTRUMENT ^{'K'} (U.C.C. § 9-105 (1)(g)), INTENTIONAL OR/AND ^{'L'} WITH INTENT
 MOD. PEN. CODE § 1.13 (12), ^{'M'} MONEY (U.C.C. § 1-201 (40)), DAMAGES ^{'N'} (ACCORD, RESTATE-
 MENT (2ND) OF TORT § 12A, ESPECIALLY RESTATEMENT (2ND) OF TORTS § 902-908),
^{'O'} FALSE LIGHT. 18 U.S.C. § 1658 (b); 18 U.S.C.A. § 1658 (b) 27
(27th 27th)

^{'P'} PETITIONER ARE PROTECTED FROM "EXCESSIVE OR UNNECESSARY FORCE BY POLICE OR
 PRISON STAFF VIOLATES THE CONSTITUTION, AND MAY BE REMEDIED BY DAMAGES
 (SEE, WRIGHT VS. SHEPARD, 919 F.2D 665-669-73 (11th CIR. 1990)) OR INJUNCTIVE RELIEF
 ("STUN BELTS": NO. 350-05 (LAUD, CO. CIR. CT, MISS.); SEE, RUIZ VS. JOHNSON, 154 F. SUPP. 2D 975,
 991-94, 999-1000 (S.D. TEX. 2001); ~~HAWEKING VS. COMPASS - CARDINI~~, 251 F.3D 1230, 1239-44
 (9th CIR. 2001)), "MISUSE OF FORCE BY THE CRUEL AND USUAL PUNISHMENT CLAUSE OF
 THE EIGHT AMENDMENT: THE CORE JUDICIAL INQUIRY IS "... WHETHER FORCE WAS
 APPLIED IN A GOOD-FAITH EFFORT TO MAINTAIN OR RESTORE DISCIPLINE, OR MALICIOUSLY
 AND CALIBRALLY TO CAUSE HARM (BASKERVILLE VS. MULVANEY, 411 F.3D 45, 47-48 (2D CIR. 2005)).
 THE EXTENT (M.C.A. (1972) § 99-19-83) OF INJURY INFLICTED (I.E./E.G., BRIBERY, CONSPIRACY, THEFT BY
 EXTORTION, AND AND,) IS "ONE FACTOR" AND "THE ABSENCE OF SERIOUS INJURY (PETITIONER'S
 DRAFTED AND FILED CRIMINAL AND CIVIL AFFIDAVITS, CAGED, AND AND, (BEING DENIED, DISMISSED
 AND AND,) IS THEREFORE RELEVANT TO THE EIGHT AMENDMENT INQUIRY, BUT DOES NOT END IT.
 HUDSON VS. M^{rs} MILLIAN, 503 U.S. 1, 6-7, AT 7, AT 7 (QUOTING WHITLEY VS. ALBERS, 475 U.S. 312, 320-21, 106 S. CT.
 1078 (1986)), 112 S. CT. 995 (1992); ACCORD, WILKINS VS. GADDOY, — U.S. —, 130 S. CT. 1175, 1178, AT 1178-79
 (2010). Standard Applied (HUDSON, 503 U.S. AT 7-8 (EMPHASIS ADDED); malicious AND CALIBRALLY)

CONTINUES ON PAGE 27 ^A

- FORMER MISSISSIPPI DEPARTMENT OF CORRECTIONS COMMISSIONER MR. CHRISTOPHER L. (B) EPPS ARE UNDER, DELIBERATE INDIFFERENCE STANDARD. JACKSON VS. AUSTIN, 241 F. SUPP. 2D 1313, 1322-23 (D.KAN. 2003); BUCKNER VS. HOLLING, 983 F. 2D 119, 121-23 (8TH CIR. 1993); AND ~~ESTATE OF~~ DAVIS BY COLONFELD VS. DELO, 115 F. 3D 1388, 1395 (8TH CIR. 1997) BECAUSE HE HAD "REALISTIC OPPORTUNITIES" TO PREVENT OR STOP. SMITH VS. MONTGOMERY, 293 F. 3D AT 652

(1. SUPERVISORY LIABILITY CLAIMS. Cf. CURRY VS. SCOTT, 249 F. 3D 493, 507-08 (6TH CIR. 2001); DANLEY VS. ALLEN, 540 F. 3D 1298, 1315 (11TH CIR. 2008); MERRIWEATHER VS. COUGHLIN, 879 F. 2D 1037, 1048 (2D CIR. 1989)

(2. INADEQUATE INVESTIGATION OF CITIZEN COMPLAINTS. Cf. MADRID VS. GOMEZ, 889 F. SUPP. 1146, 1249 (N.D. CAL. 1995); THOMAS VS. FREDRICK, 766 F. SUPP. 540, 555-56 (K.D. LA. 1991); GUTIERREZ-RODRIGUEZ VS. CARTAGENA, 882 F. 3D 553, 562-61 (1ST CIR. 1984). SEE, "PAST INVESTIGATIVE POLICIES AND PRACTICES".

BORDABARO VS. ALLEGED, 871 F. 2D AT 1167 (

(2. MALICIOUS INTENT AND THE APPROPRIATENESS OF PUNITIVE DAMAGES,

ALLEGED VS. CHADWICK, 896 F. 2D 184, 189 (6TH CIR. 1990)). 27

(3. CONDITIONS OF CONFINEMENT. Cf. WHITLEY VS. ALBERS, 475 U.S. 312, 320-21, 106 S. CT. 1078 (1986) (CITED IN HUDSON VS. ALLEGED, 503 U.S. 1, 6, 112 S. CT. 995 (1990)); WHITE VS. HOLMES, 24 F. 3D 277, 280 (8TH CIR. 1994).

SEE, VILLANTE VS. DEPT. OF CORR. OF CITY OF NEW YORK, 786 F. 2D 516, 519 (2D CIR. 1986); HILL VS. MARSHALL, 962 F. 2D 1819, 1814 (6TH CIR. 1992) ("... DESPITE KNOWLEDGE OF A BREAKDOWN IN SERVICES..."); LANGLEY VS. COUGHLIN, 715 F. SUPP. AT 544-49 ("... KNOWLEDGE OF DEFICIENCIES IN MENTAL HEALTH CARE"); HOWELL VS. BURDEN, 19 F. 3D 190, 192-94 (11TH CIR. 1994) ("... administrative authority"); BROWN VS. COUGHLIN, 758 F. SUPP. 876, 889 (S.D. N.Y. 1991) ("... PERSONAL DUTIES TO ENSURE...")

THE "KNOCK" ON THE WALL TO STOP THE PSYCHOLOGIST MR. TOM MOORE (E.M.G.F.) ENTERPRISEMENT (M.G.A. (1972), §§ 94-1-25; M.S. ST. 3599-1-25 (1972) INVESTIGATION AND THE WILSON AUDIOVISUAL SPECIAL "ARCHMAN" BY HIGHWAY PATROLMAN MR. MELTON WILLIAMS SHOWS THAT DEFENDANTS HAD REASON TO KNOW OF FACTS CREATING A HIGH DEGREE OF RISK OF PHYSICAL HARM AND ACTED IN CONSCIOUS DISREGARD OR INDIFFERENCE TO THAT RISK (SILKOWSKI VS. CITY OF NEW YORK, 129 F. SUPP. 2D 274, 291-92 (S.D. NY. 2001)

THE "OBJECTIVE REASONABLENESS" STANDARD FOR DETAINER (PLAINTIFF). ANDREW VS. NEER, 253 F. 3D 1032, 1060-61 (10TH CIR. 2001), AND THE U.S.G.A. CONSTIT. ADM. V. (CLAUDE) ; WILSON VS. WILLIAMS, 83 F. 3D 870, 875-76 (7TH CIR. 1996)

NOTE: I MEANTED LOCAL RULE 30.1 AND 30.2 (VIDEO TAPED DEPOSITIONS); LOCAL RULE 83.1 (B) (SENSITIVE). SEE, SANCTIONS (LOCAL RULE 26.1(A)(5) (DISCOVERY); LOCAL RULE 11.2 (UNREASONABLE DELAY); 37.1 (GOOD FAITH CERTIFICATE (FAILURE TO COOPERATION))

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(b. CONDUCT "SHOCK THE CONSCIENCE", *CF. HILL VS. ALGOR*, 85 F. SUPP. 2D 391, 401 (D.N.D. 2000)

(c. ACTED WITH DELIBERATE OR CALLOUS INDIFFERENCE, EVIDENCED BY AN ACTUAL INTENT TO VIOLATE PLAINTIFF'S RIGHTS AND RECKLESS DISREGARD FOR COMPLAINANT'S RIGHTS. *MOORE VS. MOORE*, 43 F. SUPP. 2D 928, 985 (N.D. IND. 1998).

Detainee Standard of *TELFAR VS. GIBERG*, 868 F. SUPP. 1396, 1412 (N.D. GA. 1994), *aff'd*, 87 F.3D 1330 (11th Cir. 1996) (unpublished). SEE, U.S.C.A. CONST. ARTICLES IV AND V UNDER XIV.

ONE. PRIOR RECORDS OF MR. CHRISTOPHER L(B). EPPS (EX-COMMISSIONER: Defendant.)

- CRIMINAL CONVICTION: MISS. R. EVID. 609, (a)(1), (a)(2) ("REQUIRED PROOF OR ADMISSION OF AN ACT OF DISHONESTY OR FALSE STATEMENT BY THE WITNESS.") NOTE OF THE ADVISORY COMMITTEE TO THE 1990 AMENDMENT TO RULE 609.

- PLAINTIFF CONVICTION SHOULD NOT HAVE BEEN ADMISSIBLE IF A PERIOD OF MORE THAN TEN YEARS HAD PASSED, BECAUSE THE COURT DID NOT FINDS "THAT THE PROBATIVE VALUE OF THE CONVICTION SUPPORTED BY SPECIFIC FACTS AND CIRCUMSTANCES SUBSTANTIALLY OUTWEIGHS ITS PREJUDICIAL EFFECT." Rule 609(b). PLAINTIFF HAD ESTABLISHED (M.C.A. (1972), §§ 1-3-9, MS. ST. §§ 1-3-9 (1972))

OTHER CRIMES EXCLUDED FROM EVIDENCE (RULE 609(a) SAYS ITS PROVISIONS ARE "SUBJECT TO RULE 403," "MAY BE EXCLUDED IF ITS PROBATIVE VALUE IS SUBSTANTIALLY OUTWEIGHTED BY THE DANGER OF UNFAIR PREJUDICE" (M.C.A. (1972), §§ 1-1-29, MS. ST. §§ 1-1-29 (1972))... UNDER MISS. CONST. § 5278 (1972), U.S. VS. ALBERTI, 470 F.2D 878, 882 (2d Cir. 1972); U.S. VS. PUCO, 453 F.2D 539, 542 (2d Cir. 1974)

- EX-COMMISSIONER MR. CHRISTOPHER L(B). EPPS "OPENED THE DOOR". U.S. VS. WHITE, 222 F.3D 363 (7th Cir. 2000), U.S. VS. BAYLOR, 97 F.3D 548 (D.C. Cir. 1996)

- REJECTED (RESTATEMENT (2ND) OF CONTRACT § 38(2)) EX-COMMISSIONER MR. CHRISTOPHER L(B). EPP'S MOTION IN JUDGMENT. *CHARLES VS. GOTTER*, 867 F. SUPP. 648, 656 N.3, 660 (N.D. ILL. 1994); *U.S. VS. ROBINSON*, 8 F.3D 410; *GRETZ VS LINDSEY*, 893 F.2D 148, 151 (7th Cir. 1990), *SEE, PENA VS. LOMBARDI*, 200 F.3D 1031, 1034-35 (1999).

"BEYOND A REASONABLE DOUBT". EVIDENCE key 90-98.

- C.J.S. EVIDENCE §§ 120-129 (burden of proof);
- (1. EX - COMMISSIONER MR. CHRISTOPHER L. (B) ERPS'S DUTY TO PROVE THIS DISPUTED ASSERTION AND CHARGE ATTACHED/ENVELOPED, EVIDENCE key 90. C.J.S. EVIDENCE § 120-121, 126, 128. SEE WILLIAM D. HAWKLAND, Uniform Commercial Code Section § 2A-516 (1984); ROLLIN M. PERKINS & RONALD N. BOYCE, Criminal Law 78 (3D ED. 1982). BUT SEE, MIDDLE BURDEN OF PROOF (EVIDENCE key 596. C.J.S. EVIDENCE §§ 1299, 1304-1306, 1308, 1310-1311, 1315-1317. SEE CLEAR AND CONVINCING EVIDENCE STANDARD OF REVIEW, REQUESTED)

"PERMISSION TO JOIN THE STATE OF MISSISSIPPI VS MRS. ERPS AND MISCORY FEDERAL COURT CASE (BEFORE AND ON April 2003), MOTION TO LEAVE BY THE APPROPRIATE COURT(S)". M.R.CIV.P. RULE 20 (BLACK'S LAW DICTIONARY (THE WORD "USE" (4)) (9TH ED. 2009)): SEVERANCE, REVIEW, AND Adding Parties (BURNHAM VS. STEVENS, 1999 MISS. APP. LEXIS 33, - So. 2D - (MISS. CT. APP. 1999); BOBBY KITCHENS, INC. VS. MISSISSIPPI INS. GUAR. ASS'N, 560 SO. 2D 129 (MISS. 1989); McDONALD VS. HOLMES, 595 SO. 2D 434 (MISS. 1992)). RIGHTS TO RELIEF, QUESTION OF LAW OR FACT, AND/OR LIABILITIES UNDER CAUSE OF ACTION (Edwin E. Bryant, THE LAW OF PLEADING UNDER THE CODES OF CIVIL PROCEDURE 170 (2D ED. 1899) AND ACTION key 1, 2. C.J.S. ACTIONS §§ 2-9, 11, 17, 21, 26, 31-33, 36)'S "right to relief jointly, severally, or in the alternative in respect of or arising out of the same transaction, occurrence, or series of transactions or occurrences, and if any question of law or fact common to all these persons will arise in the action". 3A MOORE'S FEDERAL PRACTICE ¶ 20.01-08 (1968), 7 WRIGHT & MILLER, FEDERAL PRACTICE AND PROCEDURE, CIVIL §§ 1651-1660 (1972), AND FED. R. CIV. P. 42(b); M.D.A. §§ 11-7-21 AND 23, 11-7-177 AND -179 (1972), STONER VS. COLVIN, 236 MISS. 736, 748, 110 SO. 2D 420, 424 (1939), COMSTOCK VS. RAYFORD, 9 MISS. 423, 438-39 (1843), ACCORD RICHARDSON VS. BROOKS, 52 MISS. 118 (1876) ARE PLAINTIFF'S PERMISSIVE JOINDER OF PARTIES claim for relief. MODEL PENAL CODE §§ 224.8(1), 224.8(2) (COMMERCIAL); ROLLIN M. PERKINS & RONALD N. BOYCE, Criminal Law 537 (3D ED. 1982), BRIBERY key 1. C.J.S. BRIBERY §§ 2-3, 5-8, 10-11; AND MOD. PEN. CODE § 240.1. - DEEPS key 3. C.J.S. DEEDS 1-8 - PLAINTIFF REQUEST (S) PROSECUTION, EXECUTION (AWARD FOR DAMAGES), RELEASE FROM CUSTODY(S), AND WHATEVER THE HONORABLE COURT DEEMS JUST AND FAIR.

5'

PLAINTIFF STATES, FORMER COMMISSIONER MR. CHRISTOPHER L(B). EPPS UNCONSCIONABLE DEALING; ESPECIALLY, IN CONTRACT LAW (1)
 - bidding process (SEE FEDERAL ACQUISITION REGULATION). PUBLIC CONTRACTS key 5. C.J.S. Public Administration Law and Procedure §§ 7-9
 - the contract (I.E./E.G., M.C.A. (1972) §§ 47-5-1105, -- 1109, -- 1111, -- 1115, and 1119 (SPECIAL NEEDS); 47-4-1 (PRIVATELY OPERATED) AND 47-3-1 (REMOVAL OF PLAINTIFF); AND ETAL. (ET DEQ.). SEE, CRIMINAL PROCEDURE, M.C.A. (1972) §§ 99-1-1 THRU 99-43-1; MS. ST. §§ 99-1-1 THRU 99-43-1 (1972); AND AND.) THAT DIRECTLY BENEFITS A THIRD PARTY (PLAINTIFF UNDER, STATES key 112.2(1)/ STATES key 112.2(2) (EXCEPTION/DOCTRINE)) AND THAT GIVES THE THIRD PARTY (

= THIRD-PARTY ACTION, An action brought as part of a lawsuit already pending but distinct from the main claim, whereby a DEFENDANT (MICHAEL HENRY HEARN #34476/ PLAINTIFF) DUES AN ENTITY NOT DUES BY THE PLAINTIFF WHEN THAT ENTITY MAY BE LIABLE TO THE DEFENDANT FOR ALL OR PART OF THE PLAINTIFF'S (MICHAEL HENRY HEARN, M.D.O.C. No. 34476; SEE THIS PENDING ENCLOSED/ ATTACHED CASE FOR April 2015.) CLAIM. PARTIES key 50. C.J.S. Parties §§ 128-131, 142, 151.

(A) DANGER-CREATION EXCEPTION, THE THEORY THAT IF A STATE'S AFFIRMATIVE CONDUCT PLACES A PERSON IN JEOPARDY, THEN THE STATE (STATE OF MISSISSIPPI / FORMER COMMISSIONER MR. CHRISTOPHER L(B). EPPS) MAY BE LIABLE FOR THE HARM (1)

1) serious bodily injury (18 U.S.C. §§ 243; 18 U.S.C. §§ 242).

HOMICIDE key 530.

2) willful and malicious injury (11 U.S.C. §§ 523(2)(B); 11 U.S.C. §§ 523(2)(G)). BANKRUPTCY key 3355. C.J.S. Bankruptcy § 332)

3) personal injury (RESTATEMENT (2ND) OF TORTS §§ 7(2) (PHYSICAL HARM), 7(1) (INJURY), AND 7(2) (HARM)). INSURANCE key 2306; SEE, WORKERS' COMPENSATION key 552-566, 604-770. C.J.S. Workmen's Compensation §§ 325-337, 365-470, 475.

4) malicious injury (MODEL PENAL CODE § 220. (1)).

27D

CRIMINAL MISCHIEF). STATUTES KEY 184. C.J.S. Statutes
§ 326 (MISCHIEF RULE).

5.) DERELICTION OF DUTY; UNLAWFUL OR IMPROPER
BEHAVIOR, BY FORMER COMMISSIONER MR. CHRISTO-
PHER L(B). EPPS' CORRUPT VIOLATION, AFFIRMAT-
IVE ACT OF MISREPRESENTATION OR CONCEAL-
MENT OF A MATERIAL FACT (I.E./E.G., 42 U.S.C. § 1997e
(2), M.C.A. (1972), §§ 47-5-801 ET SEQ., AS AMENDED; 42
U.S.C. § 1997e(2), M.S. ST. §§ 47-5-801 ET SEQ., AS
AMENDED, AND AND.); INTENTIONAL WRONGFUL
BEHAVIOR OF ASSIGNED DUTIES BY MALFEASANCE,
MISFEASANCE, OR NONFEASANCE. OFFICERS AND
PUBLIC EMPLOYEES KEY 121. C.J.S. OFFICERS AND
PUBLIC EMPLOYEES §§ 329-334. ESTOPPEL KEY
62, 2(3)(4). C.J.S. ESTOPPEL §§ 174, 177-182, SEE,
Wanton Misconduct (MISS. CONST. §§ 177A, M.O.A.
(1972), §§ 1-5-7)

INFLECTED ON THAT PERSON BY A THIRD PARTY. STATES KEY 112. 2(1).
LB. SPECIAL-RELATIONSHIP EXCEPTION, THE THEORY THAT IF A STATE (STATE OF
MISSISSIPPI / FORMER COMMISSIONER MR. CHRISTOPHER L(B). EPPS - "Constitutional")
HAS ASSUMED CONTROL OVER PLAINTIFF SUFFICIENT TO TRIGGER AN
AFFIRMATIVE DUTY TO PROTECT THAT INDIVIDUAL (AS IN "UNVOL-
untary hospitalization or CUSTODY"), THEN THE STATE MAY
BE LIABLE FOR THE HARM!:

1.) [T]HE UNTIDY DISTINCTION BETWEEN EXECUTORY ACCORDS
AND SUBSTITUTED CONTRACTS SHOULD NOT BE ALLOWED
TO COMPLICATE LITIGATION ABOUT ROUTINE CLAIM
SETTLEMENT; UNDERTAKING OR COMMITMENT TO DO OR
REFRAIN FROM DOING ANYTHING IN THE FUTURE.
John D. Calamari & Joseph M. Perillo, THE LAW OF CONTRACTS §
1.1, at 1-2 (4th ED. 1998), CONTRACTS KEY 1. C.J.S. CONTRACTS
§ 50, 9, 121; John D. Calamari & Joseph M. Perillo, THE LAW
OF CONTRACTS § 1, at 1-2 (WALTER H.E. JAEGER ED., 3D ED. 1957
(FOOTNOTE OMITTED), AND William R. Amos, PRINCIPLES OF THE
LAW OF CONTRACT 13N, 2 (Arthur S. Corbin Ed., 3d Am. ED. 1919)

27 (E)

2) CONSTRUCTIVE CONTRACT (CONTRACT Key 198).

E. Allen Arnold, CONTRACTS Key 2, 20, at 103 (20 E.O. 1990), GRANT GILMORE, THE DESERT CONTRACT 73-74 (1974), and IMPLIED AND CONSTRUCTIVE

CONTRACTS Key 1. C.T.S. implied and constructive contracts 2-3.

3.) EMPLOYMENT CONTRACT (M.C.A. (1972), §§ 47-5-41;

MS. ST. § 47-5-41 (1972) (MISS. DEPT. OF CORRS. EMPLOYEES OATH LAW). MASTER AND SERVANT Key 2. C.T.S. Apprentices § 2; Employee-Employer Relationship §§ 21, 25-26)

4.) PUBLIC CONTRACT (MISS. CONST. ART. VII, §§ 178 (

Corporations shall be formed under general law ONLY. The legislature shall have power to alter, amend or repeal any charter of incorporation now existing and revocable, and any that may hereafter be created, whenever, in its opinion, it may be for the public interest to do so.

Provided, however, that no injustice shall be done to the stockholders. LAWS 1987, CH. 690, EFFECTIVE DECEMBER 4, 1987) AND 121 (The

Governor shall have power to convene the legislature in EXTRAORDINARY session whenever, in his judgment, the public interests requires it... by public proclamation..., except impeachment and examination into the accounts of state officers, ...) (175, 200, AND U.S.C.A. CONST. ADM.

XIV (enforcement)) (M.C.A. (1972): MISS. 1890):

U. S.C.A. CONST. Art. IV, § 1 (Act and Record), Art. VI (Court),

Art. I, § 9, cl. 2 (Safety), and Admt. V (USE) (PUBLIC(S):

MISS. CONST. §§ 250, 267, 284(2x), 188(2x), 109, 92, 103, 143, 250

(2x), 266, 175 (4x), 20, 268, 267, 270A, 90; 20, 252, PUBLIC

OFFICERS AND EMPLOYEES) § 112, 192, 188, 146 (PUBLIC

UTILITIES), 186 (PUBLIC COMMISSIONER), and 26

(PUBLIC TRIAL) PUBLIC CONTRACTS Key 1. C.T.S. Public

27(F)

Administrative Law and Procedure §§
2-3, 6.

5) SERVICE CONTRACT, CONTRACTS key 190; SALES
key 3.1. C.T.S. Contracts § 341; Sales §§ 3-4

6) STANDARD-FORM CONTRACT (E. Allen Aremworth,
CONTRACTS § 4.26, AT 296-97 (3D ED. 1999), Quinton
Johnstone & Dan Hopson Jr., LAWYERS AND THEIR
WORK 329-30 (1967), CONTRACTS key 1. C.T.S. Con-
tracts §§ 2-3, 9, 12). ~~Ar~~ Friedrich Kessler,
CONTRACTS OF ADHESION - SOME THOUGHTS ABOUT
FREEDOM OF CONTRACT, 43 COLUM. L. REV. 689,
631-32 (1943); CONTRACTS key 1. C.T.S. Contracts
§§ 2, 9, 12.

7) STATUTORY CONTRACT. 42 U.S.C. §§ 12101-12113
, 47-5-1101-47-5-1123, AND 1381 under, 1997
(2)(A)-(C); 48 U.S.C. §§ 12101-12113 (the Americans
with Disabilities Act (1990/REV. 2008), 47-5-1101 -
47-5-1123 (Special Needs) under, 1997(2)(A)-(C)).
STATUTES OFTEN GOVERN (18 U.S.C. § 377; 18 U.S.C. §
377) THE CONTRACTS MADE BY PUBLIC ENTITIES,
BUT ALSO SOME BY PRIVATE PERSONS; THIS
CONTRACT FOR WHICH A STATUTE PRESCRIBES
CERTAIN TERMS.

8) JUDICIAL NOTICE (judicial notice of prior act.)
CRIMINAL LAW key 304; EVIDENCE key 1-52. C.T.S. Cti-
gend § 23; Criminal Law § 657; EVIDENCE §§ 8-119;
Leading Stamps and Coupons § 2; MASS. R. EVID.
201 ET AL. (ET SEQ.); FED. R. EVID. 201 ET AL. (ET SEQ.)

9) RIGHT TO PETITION. CONSTITUTIONAL LAW key 91.
U.S. Constitutional Law §§ 461-462, 466, 612-629

10) RIGHT TO COUNSEL (U.S.C.A. CONST. ARTS. VI (IV,
AND VIII (: X, IX, VI, and I)). ~~clm~~ BE GAULT, 387
U.S. 1, 875 (1967); CRIMINAL LAW key 641. C.T.S.
Criminal Law §§ 277-278, 281. SEE, GADDER vs
Department of Soc. Servs., 452 U.S. 48, 401 S.Ct. 2153 (1983)

27⁶

11.) RIGHT OF ACTION. ACTION KEY 1, 2. C.T.S. Actions
 §§ 2-9, 11, 17, 21, 26, 31-33, 36. ACTION KEY 1, 2;
 PROPERTY KEY 5. C.T.S. Actions §§ 2-9, 11, 17, 21,
 26, 31-33, 36; PROPERTY § 22; Sealing Stamps
 and Coupons § 2

12.) VESTED (substantive) RIGHT. CONSTITUTIONAL LAW KEY 90-112. C.T.S. Constitutional Law §§ 228-226.

13.) LEGAL RIGHT. E. ALLEN AREMOWITZ, CONTRACTS § 3, 4, AT 114 N. 3 (30. 1999), AMERICAN BANK & TRUST CO. VS. FEDERAL RESERVE BANK OF ATLANTA, 256 U.S. 350, 358, 41 S. CT. 499, 500 (1921) (HOLMES, J.), JOHN CHAPMAN BEY, THE NATURE AND SOURCES OF THE LAW 8-9 (20 ED. 1921).

14.) THIS CASE (April 2015) OF FORMER COMMISSIONER MR. CHRISTOPHER LCAEPPS MALICE AND INTENT INTERFERENCES WITH CONTRACTUAL RELATIONS. BRIBERY IS PLAINTIFF'S ACTIONABLE CRIMINAL ENTERPRISES CLAIM, CHARLES A. MCCORMICK, HANDBOOK ON THE LAW OF DAMAGES § 113, AT 417 (1935). SEE, LIBEL AND SLANDER KEY 6-14. C.T.S. Libel and Slander; Impugning Sales head § 52, 5, 10-12, 17-42, 104 (actionable words).

15.) EQUALITY. ALBERT R. COHEN, REASON AND LAW 106 (1961)

16.) RIGHT OF RELIEF. SUBROGATION KEY 1. C.T.S. Subrogation §§ 2-15, 19, 91) INFLECT ON THE INDIVIDUAL BY A THIRD PARTY. STATES KEY 112. 2(2).

(17.) DIVERSITY OF CITIZENSHIP (28 U.S.C. §§ 1331; 7A STAR 415 (1958)).

FEDERAL COURTS KEY 303: 28 U.S.C. §§ 1359; 28 U.S.C. §§ 1359, and

FEDERAL COURTS KEY 286 (complete diversity); STRAWBRIDGE VS. CURTIS, 7 U.S. (3 CRANCH) 267 (1806).

A RIGHT TO SUE (18 U.S.C.: FEDERAL CRIME) ANY OF THE ORIGINAL CONTRACTING

PARTIES FOR BREACH. CONTRACTS KEY 182. C.T.S. Contracts §§ 612-622, 624-629.

), THE UNFAIR USE OF POWER ARISING OUT OF THE PARTIES' RELATIVE POSITIONS AND RESULTING IN AN UNCONSCIONABLE BARGAIN (William R. Anderson, PRINCIPLES

27^(H)

OF THE LAW OF CONTRACT 263 (ARTHUR J. CORBIN, ED., 30 AM. ED. 1919); FRAUD KEY (V. 13(3); 31; AND 4, 3, 16; AND CONTRACTS KEY 1. C.T.S. CONTRACTS §§ 2-3, 9, 12.) UNDER CRIMINAL FRAUD (INTERNAL REVENUE KEY 5263.20; TAXATION KEY 1403. C.T.S. INTERNAL REVENUE §§ 854-852; AARLEON § 1782). SEE, EXTRINSIC FRAUD (JUDGMENT KEY 375, 443(2). C.T.S. JUDGMENTS § 309.), INTRINSIC FRAUD (JUDGMENT KEY 373, 441. C.T.S. JUDGMENTS §§ 319, 331, 465, 471), CONSTRUCTIVE FRAUD (Encyclopedia of Criminology 175 (VERNON C. BRANHAM & SAMUEL B. KUTASH EDS., 1949), S.V. "FRAUDS"; FRAUD KEY 5), ACTUAL FRAUD (FRAUD KEY 3), AND FRAUDULENT - CONCEALMENT RULE (LIMITATION OF ACTIONS KEY 104). AGAIN, PLAINTIFF PRAYED GRANTED PLEA, PERMISSION THRU FORMER COMMISSIONER MR. CHRISTOPHER L(B), EPP'S, ET AL.,'S CASE (April 2015) UNDER THE EQUAL PROTECTION CLAUSE (POLYVIOS G. POLYVIOS, THE Equal Protection of the Law 4 (1980); POLICE DEPT. VS. MOOREY, 408 U.S. 92, 95, 92 S. CT. 2286, 2290 (1972), BAYLORN VS. HEBOLD, 383 U.S. 107, 111, 86 S. CT. 760, 763 (1966); CONSTITUTIONAL LAW KEY 209-250. 5. C.T.S. Constitutional Law §§ 700-773, 775-912, 919-944; Zoning and Land Planning § 23.). U.S.C.A. CONST. ADMT. XIV; CONSTITUTIONAL LAW KEY 209-250. 5. C.T.S. Constitutional Law §§ 700-773, 775-912, 916-917, 919-944; Zoning and Land Planning § 23 (EQUAL PROTECTION CLAUSE) PURSUANT THRU FEDERAL JURISDICTION (BLACK'S LAW DICTIONARY (1800) (9th ED. 2000); FEDERAL COURTS § 4 E 3.1. - federal-question (COURTS KEY 7, FEDERAL COURTS § 4 E 3.1; BLACK'S LAW DICTIONARY (1936) (9th ED. 2000) (subject-matter jurisdiction); 28 U.S.C. §§ 1331, 1331(a); 28 U.S.C.; 28 U.S.C. §§ 1331, 1331(a), 18 U.S.C. (federal question) jurisdiction (FEDERAL COURTS KEY 161-247), AND FEDERAL RULES (28 U.S.C. §§ 1652, 18 U.S.C.; 28 U.S.C. §§ 1652, 18 U.S.C. (RULES OF DECISIONS; STATE LAW)) ENABLING ACT (FOR RULEMAKING POWER OF FEDERAL COURTS; 28 U.S.C. §§ 2071, 2072, AND FED. R. CRIM. P. 57). FEDERAL CIVIL PROCEDURE KEY 31. SEE, F.R. CIV. P. 83, AND 18 U.S.C. §§ 2071, 2072.

'T'

PLAINTIFF ACKNOWLEDGE THE FACT OF FORMER COMMISSIONER MR. CHRISTOPHER L(B). EPP'S INCREASINGLY COMPLEX INTERSTATE CRIMINAL ACTIVITY, SINCE THE TENTH JUDICIAL DISTRICT CIRCUIT COURT (No. 350-05), MISS., ILLEGALLY, NON-TERRESTRIAL, NOT CONSTITUTIONALLY, AND UNLAWFULLY CHANGED PLAINTIFF TRIAL COURT DATE TO PROSECUTION FORMER COMMISSIONER MR. CHRISTOPHER L(B). EPP'S CASE/CAUSE IN MERIDIAN, MISSISSIPPI; SO PLAINTIFF FILES HIS CLAIM OF "A FEDERAL LAW,

ENACTED IN 1961, THAT PROHIBITS CONDUCT INTENDED TO PROMOTE, DIRECT, OR MANAGE ILLEGAL BUSINESS ACTIVITIES IN INTERSTATE COMMERCE (18 U.S.C. §§ 1952, 18 U.S.C.A. §§ 1952), COMMERCE KEY 82.40. C.T.S. COMMERCE §§ 133-134, 136-141. PLAINTIFF REQUESTS THE HONORABLE CLERK(S), COURT REPORTER(S), AND COURT(S) TO SEND HIM ALL RELEVANT AND LEGAL "NEEDY" INFORMATION AND EVIDENCE IN THIS CRIMINAL PROCEEDINGS. CRIMINAL LAW KEY 700 (CRIMINAL LAW KEY 394, 700; EVIDENCE KEY 454. C.T.S. CRIMINAL LAW §§ 486, 490, 510, 770, 1233, 1236; EVIDENCE §§ 252-258, SUPPRESSION OF EVIDENCE) UNDER, PLAINTIFF OBJECTION (18 U.S.C. §§ 3771, 3772; 48 U.S.C. §§ 3771, 3772 (rulemaking power)). C.T.S. ARJL §§ 220-221. TRIAL KEY 77; FEDERAL CIVIL PROCEDURE KEY 2017; AND FED. R. CIV. P. (instructed). PLAINTIFF PRAYED GRANTED IN THIS CASE ENTIRE RIGHTS, THRU BE DECREED, JUDGMENT, AND RULINGS IN FAVOR OF PLAINTIFF. ROBERT E. KEETON, JUDGE 67-68 (1990); COURTESY KEY 88. C.T.S. COURTESY 139; ARJL - MARKS, ARJL - THAMES, AND Unfair Competition § 187 (Legal Ruling CLAIM FOR RELIEF.)

4' WHETHER THE HONORABLE FEDERAL COURT ERRED (PROSECUTOR AND KEETON on the Law of Acts § 131, at 1053-54 (W. PAGE KEETON ED., 5th ED. 1984): GOVERNMENTAL Jurisdiction TORTS) THRU THE FEDERAL QUESTION PRESENTED ("A governmental entity and its employees acting within the course and scope of their employment or duties shall not be liable for any claim arising out of any act or omission of a governmental entity engaged in the performance or execution of duties or activities relating to police or fire protection unless the employee acted in reckless disregard of the safety and well-being of any person not engaged in criminal activity at the time of injury" M.I.A. (1972), §§ 11-46-9(1)(C), M.S. ST. §§ 11-46-9(1)(C) (1972)) IN THE CITED INFORMATION ABOUT/BY FORMER COMMISSIONER MR. CHRISTOPHER L(B). EPPS IN 3 So. 3d 722 (Sup. Ct. of Miss. - No. 2007-KA-0139 S.C.T. - 12/11/2008 REH'G. DEN'D. 03/19/2009) (CASE) UNDER PURY (PERJURY KEY 1. C.T.S. Perjury §§ 2-3, 5+8, 21, pursuant then PERJURY TRAP DOCTRINE (PERJURY KEY 10, 15. C.T.S. Perjury §§ 11, 21, 25-53) IN THIS CAUSE/CASE (18 U.S.C. §§ 1652 (187 OF THE CIVIL RIGHTS OF INSTITUTIONALIZED PERSONS

ACT, 94 STAT. 352, § 7(a); REV. STAT. § 1979) 28 U.S.C.; 18 U.S.C. § 1652 (1877 OF THE CIVIL RIGHTS OF INSTITUTIONALIZED PERSONS ACT, § 7(a); REV. STAT. § 1979) (4) 'S PROCEEDING INSTITUTED TO DETERMINE THE FORMER COMMISSIONER MR. CHRISTOPHER L(B). EPPS' GUILT OR INNOCENCE OR TO SET THE FORMER COMMISSIONER MR. CHRISTOPHER L(B). EPPS' PUNISHMENT; A CRIMINAL HEARING OR TRIAL (Edwin G. Bryant, THE LAW OF PLEADING UNDER THE CODES OF CIVIL PROCEDURE 3-4 (2D ED. 1899); BANKRUPTCY REY 21 56. C.T.S. Bankruptcy § 26.)

- IN STATE VS. HEARN ABOVE CITED CASE AND "CURRENTLY AND ONGOINGLY" DRAFTED AND FILED COMPLAINT BY PLAINTIFF WHO IS NOT ENGAGED IN A CRIMINAL ACTIVITY THAT HAD A CAUSAL NEXUS TO THE WRONGDOING OF THE LAW ENFORCEMENT OFFICER (FORMER COMMISSIONER Mr. Christopher L(B). Epps; MISS. CONST. §§ 278 AND/OR 266 (1)), HE (Epps) "ACTED IN RECKLESS DISREGARD OF SAFETY OF ANY PERSON NOT ENGAGED IN CRIMINAL ACTIVITY AT TIME OF INJURY". SEE, CITY OF JACKSON VS. CALCOTE, 2005, 910 S.O. 2D 1103, REH'G. DEN'D.

MUNICIPAL CORPORATION 3 REY 747(3)

- PLAINTIFF (in custody: detainee) IS MINISTERIAL DUTIES IN NATURE AND IMMUNITY IS NOT PROVIDED REGARDLESS OF WHETHER THE DISCRETION IS ABUSED, A.L.I. MODEL PENAL CODE § 2.02 (2)(C), AND COMMENT 3 (1985) (CRIMINAL LAW RECKLESSNESS). SEE, FORFEITURES (M.C.A. (1972), §§ 1-1-23; MS. ST. § 31-1-23 (1972); OP. ATTY. GEN. NO. 8003-0592, HEDGE PETH, APRIL 17, 2003).

V

MARK (BLACK'S LAW DICTIONARY (1868) (9TH ED. 2009) AND (1916) (UNITED STATES REY 23(3)) THAT - "PROTECTION BY THE GOVERNMENT, the enjoyment of life and liberty, with the right to acquire and possess property of every kind, and to pursue and obtain happiness and safety...." GLOBE APP. 69 (EMPHASIS ADDED), quoting 4 WASH. C.O., AT 380-81. SEE § 1 OF THE U.S. CONST. ADMT. XIV (PRIVILEGES AND IMMUNITIES CLAUSE - ART. IV.

§ 2 OF THE 1871 ACT, PROSECUTED PERSONS WHO VIOLATED FEDERAL RIGHTS WHETHER OR NOT THAT VIOLATION WAS UNDER COLOR OF OFFICIAL AUTHORITY.

THE POWER OF FEDERAL COURTS TO ENFORCE THE CONTRACT CLAUSE AGAINST MUNICIPALITIES. GLOBE 751-752

§ 5 OF THE FOURTEENTH AMENDMENT EMPOWERS CONGRESS TO STEP IN AND PROVIDE FOR DOING JUSTICE TO THOSE PERSONS WHO ARE THUS DENIED EQUAL PROTECTION."

NOTE: (4) MONTGOMERY, 28 U.S.C.S.

NOTE: CONG. GLOBE, 42D CONG., 1ST SESS., 749 (1871) (GLOBE)

§1 OF THE FOURTEENTH AMENDMENT (REP. BINGHAM) OF THE Civil Rights Act (persons: municipal corporation) ID., AT 153 (REP. GARFIELD). SEE ALSO, MONROE VS. PAPER, 36 U.S., AT 171-187, 81 S.Ct. AT 475-484, BUT SEE, SENATOR THURMAN (

"THIS SECTION RELATES WHOLLY TO CIVIL SUITS.... ITS WHOLE EFFECT IS TO THE FEDERAL JUDICIARY [I.E./E.G., 15 U.S.C. §§ 2051 ET SEQ. (1972); JUDICIARY ACT 1 STAT. 73 (1789)] AND/OR AND THAT WHICH NOW DOES NOT BELONG TO IT - A jurisdiction [I.E./E.G., 18 U.S.C. §§ 1343, 1331, 28 U.S.C.; 28 U.S.C. S. §§ 1343, 1331. SEE, BELL VS. HOOD, 327 U.S. 678, 682, 66 S.Ct. 773, 90 L. ED. 939 (1946)] THAT MAY BE CONSTITUTIONALLY CONFERRED UPON IT, & GRANT [DEEDS BY 3, C.T.S. DEEDS §§ 1-8], BUT THAT HAS NEVER YET BEEN CONFERRED UPON IT. IT AUTHORIZES ANY PERSON WHO IS DEPRIVED OF ANY RIGHT, PRIVILEGE, OR IMMUNITY SECURED TO HIM BY THE CONSTITUTION OF THE UNITED STATES, TO BRING AN ACTION AGAINST THE WRONG-DOER IN THE FEDERAL COURTS, AND THAT WITHOUT ANY LIMIT WHATSOEVER AS THE AMOUNT OF CONTROVERSY...). GLOBE APP. 216-217 (EMPHASIS ADDED).

27⑤

NONETHELESS, SUITS COULD BE BROUGHT IN FEDERAL COURT (ART. III AND THE JUDICIARY ACT OF 1789; BANK OF THE U.S. V. DEVENUEX, 5 CRANCH 61, 86, AT 91, 31, ED. 38 (1809)) IF THE NATURAL PERSONS WHO WERE MEMBERS OF THE CORPORATION WERE OF DIVERSE CITIZENSHIP FROM THE OTHER PARTIES TO THE LITIGATION. SEE, E.G., GLOBE 777 (SEN. SHERMAN); ID., AT 752 (REP. SHELLABARGER) ("[C]ounties, cities, and corporations of all sorts... to sue and be sued in the courts of the UNITED STATES"), ACT OF CONGRESS ("IN ALL ACTS HEREAFTER PASSED... THE WORD 'PERSON' MAY EXTEND AND BE APPLIED TO BODIES POLITICAL AND CORPORATE... UNLESS THE CONTEXT SHOWS THAT SUCH WORDS WERE INTENDED TO BE USED IN A MORE LIMITED SENSE." ACT OF FEB. 25, 1871, § 2, 16 STAT. 431. THERE IS NO DISCERNIBLE REASON WHY PERSONS INJURED BY MUNICIPAL CORPORATIONS SHOULD NOT BE ABLE TO RECOVER. Northwestern Freedmen's Co. vs. Hyde Park, 18 F. CAS. 393, 394, AT 394 (NO. 10,336) (CC, MD. ILL. 1873). TO


END THAT JUSTICE MAY BE DONE... WITH COSTS AND INTEREST... IN ANY COURT OF COMPETENT JURISDICTION (BLACK'S LAW DICTIONARY 259 (6TH ED. 1990))
 ...; shall ALSO BE SUBROGATED TO ALL THE PLAINTIFF'S RIGHT UNDER SUCH JUDGMENT. GLOBE 663. ID. AT 744, 755, AND ID. AT 804 (EMPHASIS ADDED). "WHERE A POWER IS REMEDIAL IN ITS NATURE THERE IS MUCH REASON TO CONTEND THAT IT OUGHT TO BE CONSTRUED LIBERALLY, AND IT IS GENERALLY ADOPTED IN THE INTERPRETATION OF LAWS."

- 1 Story on Constitution, SEC. 429. GLOBE APP. AT 68. SEE, E.G., GLOBE 334 (REP. HOAR); ID. AT 365 (REP. ARTHUR); ID. AT 367-368 (REP. SHELDON); ID. AT 385 (REP. LEWIS); GLOBE APP. 247 (SEN. THURMAN); SEC. 27⁽¹⁾ GLOBE 805, BUT SEE, ID. AT 745.

'W'
 AFFIRMATIVE DEFENSE. CRIMINAL LAW KEY 31; FEDERAL CIVIL PROCEDURE KEY 751; PLEADING KEY 76, 78, 130;
 "REAL DEFENSE, BILLS AND NOTES KEY 364.

'X'
 BOARD(S):
 of REVIEW. ADMINISTRATIVE LAW AND PROCEDURE KEY 513. C.T.S. Public Administration Law and Procedure §§ 166-171; TAXATION KEY 464-492.
 C.T.S. Social Security and Public Welfare § 200; SURETY § 681, 686-726; MUNICIPAL CORPORATIONS KEY 185 (12). C.T.S. Municipal Corporation §§ 516, 520-521;
 of REGISTRATION. LICENSES KEY 22, 38. C.T.S. Agriculture § 4;
 of REGENT. COLLEGES AND UNIVERSITIES KEY 7. C.T.S. Colleges and Universities §§ 15-18;
 of Patent Appeals and Interferences. PATENTS KEY 111. C.T.S. Patents §§ 180-183;
 of Pardon. PARDON AND PAROLE KEY 55.2;
 of legal specialization. ATTORNEY AND CLIENT KEY 3. C.T.S. Attorney and Client §§ 11-12;
 of Trade Commodity FUTURE TRADING REGULATIONS KEY 6, and C.T.S. Securities Regulation § 455.

COMPELLING ATTENDANCE. MISS. CONST. § 54(11); Dandoby vs. Dandoby, 222 GA. 148, 149 S.E. 2D 252, 254

 <p align="center">MISSISSIPPI DEPARTMENT OF CORRECTIONS</p>	POLICY NUMBER 01-01 . 234
	AGENCY WIDE
POLICIES AND STANDARD OPERATING PROCEDURES	INITIAL DATE 06-01-2000
ACA STANDARDS: 2-CO-1A-05, 2-CO-1A-16, 2-CO-1A-17, 4-4004, 4-4005, 4-4012 thru 4-4014, 4-ACRS-7B-07 thru 4-ACRS-7B-09, PP 3-3006, PP 3-3019, PP 3-3020	EFFECTIVE DATE 02-15-2008
STATUTES: 25-61-1, 47-5-20	NON-RESTRICTED

(69)

POLICY:

It is the policy of the Mississippi Department of Corrections (MDOC) to formulate, promulgate, and maintain comprehensive policies and standard operating procedures that provide for the operation and management of the MDOC.

DEFINITIONS:

Policy – Principles that establish the method of operation for the Mississippi Department of Corrections as required by law, American Correctional Association (ACA) standards and acceptable professional correctional practices.

Standard Operating Procedures (SOPs) – Specific plans of action designed to implement policy precepts.

28

PRECEPTS:

The Commissioner will establish procedures for the development of policies and procedures that provide for the operation and management of the MDOC. Procedures will include, but not be limited to the following:

- Development and revisions of policies and procedures
- Compliance and accountability
- Policy /SOP Review Committee
- Executive Directives
- Issuance and distribution of policies and procedures
- Access to policies, procedures and forms

Adult Correctional Institutions: [REDACTED]

Adult Community Residential Services: Employees participate in the formulation of policies, procedures, and programs [4-ACRS-7B-09].

Adult Probation and Parole Field Services: The field agency can document that all levels of staff participate in the development and review of organizational goals, policies, procedures, rules, and regulations [PP 3-3006].

TITLE: POLICIES AND PROCEDURES		POLICY NUMBER 01-01 240
EFFECTIVE DATE: 02-15-2008	NON-RESTRICTED	Page 2 of 3.

(68)

38 **Adult Correctional Institutions:** Written policy, procedure, and practice demonstrate that
 39 related community agencies with which the institution has contact can participate in
 40 policy development, coordinated planning, and interagency consultation [4-4005].

41
 42 **Administration of Correctional Agencies (Central Office):** The agency has a policy manual
 43 that specifies its policies, programs, and services offered, which is available to all
 44 employees and to the public [2-CO-1A-16].

45
 46 **Administration of Correctional Agencies (Central Office):** The agency administrator is
 47 responsible for developing and maintaining an operations manual(s) that includes
 48 policies, procedures, rules and regulations of the agency and is available to all staff.
 49 This manual(s) is reviewed at least annually by the agency administrator or his/her
 50 designee and is updated as needed [2-CO-1A-17].

51
 52 **Adult Correctional Institutions:** The policies and procedures for the development and maintenance
 53 of the policy manual and its contents are specified in a manual that is accessible to
 54 employees and the public. This manual is reviewed at least annually and updated as
 55 needed [2-4012].

56
 57 **Adult Community Residential Services:** Procedures that describe operating and
 58 maintaining the facility are specified in a manual that is accessible to all employees [4-
 59 ACRS-7B-07].

60
 61 **Adult Probation and Parole Field Services:** An agency manual, including policies,
 62 procedures, rules, and regulations of the field agency, is developed and maintained by
 63 the agency administrator. The manual is reviewed annually, updated as procedures
 64 change, and is available to all staff [PP 3-3019].

29

65
 66 **Adult Correctional Institutions:** Each department and major administrative unit in the
 67 institution develops and makes available to employees a manual of standards, operating
 68 procedures, and policies that are to be implemented. These procedures are
 69 reviewed at least annually and are updated as needed [4-4014].

70
 71 **Administration of Correctional Agencies (Central Office):** Policy, procedure, and practice
 72 govern the development and dissemination of agency policies. This policy is reviewed
 73 annually and updated if necessary [2-CO-1A-05].

74
 75 **Adult Correctional Institutions:** Written policy, procedure, and practice provide that new or
 76 revised policies and procedures are disseminated to designated staff and volunteers
 77 and are approved prior to implementation [4-4014].

78
 79 **Adult Community Residential Services:** Policies are reviewed at least annually and new or
 80 revised policies and procedures are made available prior to implementation to
 81 designated staff and volunteers [4-ACRS-7B-08].

82
 83 **Adult Probation and Parole Field Services:** Written policy, procedure, and practice provide
 84 that new or revised policies and procedures are disseminated to designated staff and

(1A)

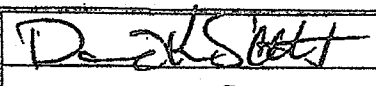
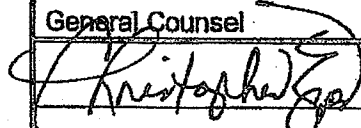
TITLE: POLICIES AND PROCEDURES		POLICY NUMBER 01-01 . 248
EFFECTIVE DATE: 02-15-2008	NON-RESTRICTED	Page 3 of 3

(69)


85 volunteers, and, when appropriate, to probationers/parolees prior to implementation [PP
86 3-3020].

87
88 DOCUMENTS REQUIRED:

89
90 As required by this policy and through the chain of command.

ENFORCEMENT AUTHORITY	
All standard operating procedures (SOPs) and/or other directive documents related to the implementation and enforcement of this policy will bear the signature of and be issued under the authority of the Commissioner of Corrections.	
Reviewed and Approved for Issuance	<div>  <div>2/15/08</div> </div>
	<div> General Counsel <div>Date</div> </div>
	<div>  <div>02/16/08</div> </div>
	<div> Commissioner <div>Date</div> </div>

30

 <p align="center">MISSISSIPPI DEPARTMENT OF CORRECTIONS</p>	<p>SOP NUMBER 01-01-01 242</p>
<p>POLICIES AND STANDARD OPERATING PROCEDURES</p>	<p>AGENCY WIDE</p>
<p>ACA STANDARDS: 2-CO-1A-05, 2-CO-1A-10, 2-CO-1A-17, 4-4004, 4-4005, 4-4012 thru 4-4015, 4-ACRS-7B-07 thru 4-ACRS-7B-09, 4-APPFS-3D-07</p>	<p>INITIAL DATE 06-01-2000</p> <p>EFFECTIVE DATE 08-01-2013</p>
<p>STATUTES: 26-51-1, 47-5-20</p>	<p align="center">NON-RESTRICTED</p> <p align="right">PAGE 1 of 6</p>

POLICY

It is the policy of the Mississippi Department of Corrections (MDOC) to formulate, promulgate, and maintain comprehensive policies and standard operating procedures that provide for the operation and management of the MDOC.

DEFINITIONS:

Policy — Principles that establish the method of operation for the Mississippi Department of Corrections as required by law, American Correctional Association (ACA) standards and acceptable professional correctional practices.

Standard Operating Procedures (SOPs) — Specific plans of action designed to implement policy precepts.

Policy Planning, Research and Evaluation (PPRE) — The MDOC department responsible for the issuance and management of all agency policies and procedures.

Restricted Policies/Procedures — Policies and procedures that offenders and the general public may not have access to due to public safety and/or security considerations.

MDOC MISNET Site — An internal website only accessible to individuals authorized by the agency.

PROCEDURES

The Commissioner or designees will ensure policies and procedures provide for the operation and management of the MDOC. The Commissioner will:

- a. Approve and sign all policies
- b. Designate administrative personnel for procedural enforcement
- c. Determine and designate "Restricted Access" status of policies, procedures and forms
- d. Approve and sign the Policy/SOP Request Form for the creation or revision of policies, procedures and forms
- e. Notify appropriate staff of all new, repealed or amended laws and court rulings for verification of policy and procedure compliance

Compliance and Accountability

All personnel will be held accountable for their compliance with all MDOC policies, procedures and forms. Any deviation from MDOC policies, procedures and forms will be cause for disciplinary action to include, but not be limited to, termination.

TITLE: POLICIES AND STANDARD OPERATING PROCEDURES	01-01-01.243	
EFFECTIVE DATE: 08-01-2013	NON-RESTRICTED	PAGE 2 of 6.

71

All private prisons and county regional facilities will be contractually obligated to adhere to MDOC policies, procedures and forms.

All contract workers, volunteers or any other individuals who work for MDOC will be required to comply with all policies, procedures and forms.

Policy, Planning, Research and Evaluation Department

The Policy, Planning, Research and Evaluation (PPRE) department will be the Commissioner's designee responsible for the issuance and management of agency policies, procedures and forms to include:

- Revisions
- Eliminating Redundancy
- Coordinating meetings when problems arise
- Ensuring MDOC Policy/SOP are reviewed and updated annually
- Update MDOC MISHET site
- Distribution
- Archival management of signed, original policies and procedures

Policy/Procedure Creation or Revision Requests

Adult Correctional Institutions: Written policy, procedure, and practice demonstrate that related community agencies with which the institution has contact can participate in policy development, coordinated planning, and interagency consultation [4-4005].

32

Adult Correctional Institutions: Written policy, procedure, and practice demonstrate that employees participate in the formulation of policies, procedures, and programs [4-4004].

Adult Community Residential Services: Employees participate in the formulation of policies, procedures, and programs [4-ACRS-7B-09].

Adult Probation and Parole Field Services: All levels of staff participate in the development and review of the organizational mission, goals, policies, procedures, rules and regulations [4-APPS-3D-07].

Any MDOC employee can participate in the formulation of policies, procedures, forms or programs, but must comply with the following:

- The requestor will complete the Policy/SOP Request Form and will provide sufficient justification for the request and specific changes to be made.
- Requested revisions will need to reference the page and line numbers and the new language.
- The requestor will submit the Policy/SOP Request Form and requested revisions to the appropriate Supervisor/Department Head of the area they are requesting a revision for approval and signature.

01-01-01.243
Forms

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Each level for approval and signature will be required there after until the request reaches the Commissioner.

Upon signing and approving the Policy/SOP Request Form, the Commissioner or designee will forward the request to PPRE.

If the request is not approved, it will be returned to the originator and no action will be taken by PPRE.

If the request is approved, PPRE will forward the revision request to the Policy/Procedure Review Committee.

A copy of the Policy/SOP Request Form can be accessed on the MDOC MISNET policy site.

Policy/Procedure Review Committee

The Deputy Commissioner of Institutions and the Deputy Commissioner of Community Corrections will establish a Policy/Procedure Review Committee. The Review Committee will consist of the a representative from PPRE, Director of Private and Regional Prisons, the MDOC Training Director, Accreditation Managers from each state prison and Community Corrections, a Warden from each of the three state prisons and a representative from the Legal Department. Any department head affected by the policy/procedure being reviewed should be asked to be present at the meeting.

The Review Committee will meet on a monthly basis to review requested policy and procedure revisions to ensure ACA standards are being met and to identify how the revisions will impact all locations prior to publishing by PPRE. The Review Committee will also conduct a bilateral review of other affected policies, procedures and forms. The Review Committee will advise PPRE of any identified deficiencies noted.

General Counsel

MDOC Legal Counsel will review all policies and/or applicable procedures and forms before final submission to the Commissioner.

MDOC Legal Counsel will provide consultation and interpretive assistance in formulating policies, procedures and forms.

MDOC Legal Counsel will also provide legal opinions specific to the impact that current and/or new legislation will have on agency policies and procedures.

Policy/Procedure Issuance

No procedure will be issued without a corresponding policy bearing the signature of the appropriate Enforcement Authority.

Once a policy or procedure is issued, it cannot be revised or republished until six (6) months after the effective date.

01-01-01 (1)
Forms

33

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Any additions or modifications required of a policy or procedure prior to the six (6) month republish date will be issued through an Executive Directive.

Executive Directives

The Commissioner will issue Executive Directives as needed for initial implementation, additions or modifications to policies and procedures.

Manual Holders will insert Executive Directives in front of the affected policy or procedure.

Executive Directives will be removed from manuals when the affected policy or procedure is released.

Distribution of Policy and Procedure Updates

Administration of Correctional Agencies (Central Office): Policy, procedure, and practice govern the development and dissemination of agency policies. This policy is reviewed annually and updated if necessary [2-CO-1A-05].

Adult Correctional Institutions: Written policy, procedure, and practice provide that new or revised policies and procedures are disseminated to designated staff and volunteers and, when appropriate, to inmates prior to implementation. [4-A01A]

Adult Community Residential Services: Policies are reviewed at least annually and new or revised policies and procedures are made available prior to implementation to designated staff and volunteers [4-ACRS-7B-08].

34

Agency policies and related procedures and regulations will be developed through a systematic and uniform process. Policies are reviewed at least annually and new or revised policies and procedures are made available prior to implementation to designated staff and volunteers. PPPE will ensure MDOC personnel and volunteers are provided access to all new and revised policies, procedures and forms and when appropriate, to offenders.

New or revised policies, procedures and forms will be issued on or before the effective date.

Revised policy and procedure updates will include the following:

- A cover memorandum (sequentially numbered) detailing all new and revised policies, procedures and forms and any deleted policies, procedures or forms
- A synopsis of requested changes
- Any Executive Directives issued by the Commissioner
- Current policy and procedure indexes
- Revised policies, procedures and forms

All new and revised policies, procedures and forms will be posted to the MDOC MISNET policy site on the effective date.

All manual holders with access to the MDOC MISNET policy site will be responsible for printing the new and revised policies, procedures and forms and updating their manuals.

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Form

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(75)

235 All MDOC supervisors will be responsible for providing access to policies, procedures and forms
 236 to all individuals under their chain of command.

237
 238 Verification of policy and procedure training will be documented on the applicable document and
 239 forwarded to the MDOC Training Department.

240
 241 Offender Access to Policies, Procedures and Forms

242
 243 The Commissioner will determine the policies, procedures and forms that offenders will be
 244 allowed to access.

245
 246 Offenders will be denied access to any policy, procedure or form that is deemed restricted due
 247 to public safety and/or security considerations.

248
 249 Offenders will be allowed access to those policies, procedures and forms that govern offenders
 250 daily living.

251
 252 Offenders may be granted access to policies, procedures and forms that are not designated
 253 restricted.

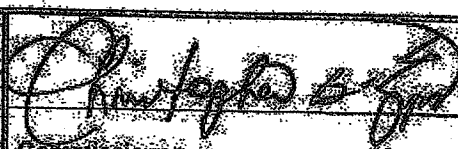

254
 255 The Commissioner or designee will specify what department is responsible for providing
 256 offenders with access to policies, procedures and forms.

257
 258 Public Access to Policies, Procedures and Forms

259
 260 In accordance with Miss. Code §25-61-1, MDOC policies, procedures and forms are a matter of
 261 public record. An exception to public access will be when such access to policies, procedures
 262 and forms may adversely affect public safety and/or the security of MDOC facilities, staff or
 263 offenders.

264
 265 DOCUMENTS REQUIRED:

266
 267 As required by this procedure and through the chain of command.

ENFORCEMENT AUTHORITY	
Reviewed and Approved for Issuance	 Commissioner
	 Date

01-01-01-01
 Forms

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Policy and Procedure Manuals

Administration of Correctional Agencies (Central Office): The agency has a policy manual that specifies its policies, programs, and services offered, which is available to all employees and to the public [2-CO-1A-16].

The Commissioner or designees will establish a policy manual to include the policies, programs and services offered. The policy manual will be available to all employees and to the public.

Administration of Correctional Agencies (Central Office): The agency administrator is responsible for developing and maintaining an operations manual(s) that includes policies, procedures, rules and regulations of the agency and is available to all staff. This manual(s) is reviewed at least annually by the agency administrator or his/her designee and is updated as needed [2-CO-1A-17].

The Commissioner or designees will establish detail instructions for the day-to-day operations of the agency. The policy manual will be available to all employees to ensure consistency in operations and will be reviewed at least annually by the Commissioner or designees.

Adult Correctional Institutions: The policies and procedures for operating and maintaining the institution and its satellites are specified in a manual that is accessible to all employees and the public. This manual is reviewed at least annually and updated as needed [4-4012].

Adult Community Residential Services: Procedures that describe operating and maintaining the facility are specified in a manual that is accessible to all employees [4-ACRS-7B-07].

35

Adult Correctional Institutions: Each department and major administrative unit in the institution maintains and makes available to employees a manual of standard operating procedures that specifies how policies are to be implemented. These procedures are reviewed at least annually and are updated as needed [4-4013].

All MDOC supervisors will be responsible for the assignment of policy and procedure manuals to those individuals under their chain of command who do not have access to the MDOC MISNET policy site.

Manual holders will be responsible for the security and maintenance of policy and procedure manuals.

Manuals will return to the custody of the employee's supervisor upon termination, promotion or transfer.

Employee Access to Policies, Procedures and Forms

All MDOC personnel will be provided access to policies, procedures and forms either through the MDOC MISNET policy site or the policy and procedure manuals.

35 (A)

"NOTICE) MOTION TO LEAVE BY THE APPROPRIATE COURT(S) FOR
REMOVAL OF CRIMINAL PROSECUTION
 (Added Pub. L. 112-63 Title I, §103(c), Dec. 7, 2011, 125 Stat. 761)

35(B)

GROUND(S): (1. EMERGENCY RELIEF (MISS. CONST. §§29, 40.3(1)), EXTENSION OF TIME (MISS. CONST. §§36(11), BRIEVANCE/REMEDY (42 U.S.C. §§1997e(2)), COMPLAINT, INFORMANT, INDICTMENT (U.S. CONST. ART. I, §3, CL. 7), BONDS AND OBLIGATIONS (M.C.A. (1972), §§1-3-3), WRITS (U.S. CONST. ART. I, §2, CL. 4), AND AND.

"I DECLARE/VERIFY/CERTIFY UNDER PENALTY OF PERJURY OF THE UNITED STATES OF AMERICA LAWS THAT THE FOREGOING IS TRUE AND CORRECT, EXECUTED ON December 23rd, 2014 (18 U.S.C. §§1621-28 U.S.C. §§1746, 2201-2202, 48 STAT. 955 (1944) (F.R.E. 801(b)), 2915(e) (1978/1993), (a), (c), (d), (h), (e)(1), (e)(2), (b)(4), (g): 40 U.S.C. §§258 a. "An Explicit Congressional Delegation" (BIVENS VS. SIX UNKNOWN FEDERAL NARCOTICS AGENTS, 403 U.S. 388, 396, AT 397, 91 S. CT. 1999, 2005, AT 2005, POST, AT 2049; Monell vs. Dep't. of Soc. Servs. of City of N.Y., 436 U.S. 658 N. 9 (1978) 98 S. CT. 2018, 17 FAFR EMPL. PRAC. CAS. (B.N.A.) 873, 16 EMPL. PRAC. DEC. P. 8346...), "Dying Declaration" (1 James A. James, Stephen, A HISTORY OF THE CRIMINAL LAW OF ENGLAND 447-48 (1883); EVIDENCE key 275.5; HOMICIDE key 1075. CJS. EVIDENCE 5288

Michael Henry Hearl

MICHAEL HENRY HEARL (#34476 / ABSOLUTE, COMPLETELY, AND TRULY DESTITUTE TYPE PROSE INDIGENT/
 PLAINTIFF/GRAND JURY key 37 / PROTECTED CLASS (A.D.A. (1990/REV. 2008): R.A. (1973)) / MANDATOR/
 AFFEANT/PETITIONER/COMPLAINANT/AGGRIEVED /... / Amly)
 SOUTH MISSISSIPPI CORRECTIONAL INSTITUTION (Suite 20689) S. Hwy. 63 North: Penthouse
 418-BT406L - LEAKESVILLE, MI. 39451-0139, DATED: 12/0230/2014. M.R.C.P. 11
 : F.R.A.P. 27:

UNITED STATES COURT (FEDERAL COURT)

IN THE ↓ CIRCUIT COURT OF HINDS COUNTY, MISSISSIPPI

MICHAEL HENRY HEARN
(STATE OF MISSISSIPPI)

PETITIONER

VS.

CAUSE NO. _____

FORMER STATE CORRECTIONS COMMISSIONER
~~CHRISTOPHER EPPS AND BUSINESSMAN~~
CECIL McLEORY

RESPONDENT(S)

DESIGNATION OF RECORDS

MISS. R. CIV. P. 37(2)(1), (2); F.R. CIV. P. 37(2)

I, MICHAEL HENRY HEARN, Appellant, Pro Se, pursuant to Mississippi Supreme Court Rule, 10(b)(1), designates the following parts of the record as being necessary to be included on appeal.

1. All Clerk's papers, trial transcripts and exhibits filed, taken or offered in this case.

2. The order entered on the _____ day of M.I.T.N., AWAIT TRIAL IN, ~~MISSISSIPPI~~, ~~MISSISSIPPI~~ APPEAL OF FEDERAL CHARGES THAT THEY PARTICIPATED IN A BRIBERY [I.E./E.G. JUDGE MR. LARRY EUGENE ROBERTS (03/102/1994)* NO. 549-93 (LAUD. CO. CIR. CT., MISS.)] SCHEME TIED TO PRISON CONTRACTS [LOS, E. MISS. CORRS. FAC. NO. 350-65 (LAUD. CO. CIR. CT., MISS. (04/0940/2005)], AND AND, AND AND.
This the 23RD day of DECEMBER, 2014.

Respectfully Submitted,

Michael Henry Hearn
PETITIONER MICHAEL HENRY HEARN
MDOC# 34476
SOUTH MISSISSIPPI CORRECTIONAL INSTITUTION
Suite 22689 U.S. Hwy 63N, Port Hannon MS 39461
Address LEAKEVILLE, MS 39455-0239
DATE: 12/23RD/2014, D. R. CIV. P. 37

Address

NOTE: M.I.T.N., MEANT THE DATE, MONTH, AND YEAR SHALL BE FILLED IN BY HONORABLE CLERK MR. J. A. TOLIN, BECAUSE COMPLAINANT/PLAINTIFF DOES NOT KNOW THE EXACT DAY THAT MR(S). EPPS AND McLEORY WAS CHARGED/INDICTED. DEAD.

(52)

Thank you

IN THE CIRCUIT COURT FEDERAL COURT: UNITED
STATES COURT CIRCUIT COURT
HINDS COUNTY
MISS. R. CIV. P. 8(c) ETAL. (ETDEQ)
501 E. COURT STREET, SUITE 2.500
JACKSON, MS. 39201

MICHAEL HENRY HEARN (STATE OF MISSISSIPPI)

PLAINTIFF/PETITIONER

vs. G. I. CAPTAS (PROCESS KEY 9: EXECUTION KEY 421, C.D.S. EXECUTED 324: CRIMINAL LAW
KEY 1000: FINES KEY 9.) i.o. No. _____

(April 2015 is TRIAL DATE)

MR. CHRISTOPHER L(B). EPPS (EX. MISS. DEPT.
OF CORRS. COMMISSIONER), MR. CECIL
MCGORY (BUSINESSMAN)

DEFENDANT/RESPONDENT(S)

37

CERTIFICATE OF COMPLIANCE

FED. R. APP. P. 11(5) CIR. R. & I.D. P. 37 ETAL. (ETDEQ)

I, MICHAEL HENRY HEARN, PETITIONER/PLAINTIFF, ABSOLUTE, COMPLETELY
AND TRULY DESTITUTE TYPE PRO SE INDIGENT, PURSUANT THRU M.R.A.P. 11(b)(4)
ETAL. (ETDEQ), CERTIFY THAT I AM UNABLE TO OBTAIN THE COST OF PRE-
PARING THE DESIGNATED RECORD ON FEDERAL CHARGES BECAUSE
I AM INCARCERATED IN MISSISSIPPI DEPARTMENT OF CORRECTIONS
AND CANNOT FREELY CONTACT THE COURT REPORTER FOR THIS INFOR-
MATION. THEREFORE, ACCORDING TO MISSISSIPPI RULES OF APPELLATE
PROCEDURE 11 ETAL. (ETDEQ), COST IS ESTIMATED AT THE STATUTORY
RATE PER PAGE FOR THE CLERK'S PAPERS AND AT _____ C.D.C.

NOTE: C.D.C. mentioned shall be filled in by the CLERK OF COURTS

PER DAY OF PROCEEDINGS TO BE TRANSCRIBED AND AND TOTAL-
ING APPROXIMATELY \$/_____ C.O.C.

THIS THE 23RD DAY OF December, 201 4.

Michael Henry Hearn
MICHAEL HENRY HEARN (I# 34476/ABSOLUTE, COMPLETELY, AND TRULY DESTITUTE
TYPE PROSE INDECENT/COMPLAINANT/PLAINTIFF/MANDATOR/GRAND JURY ~~by~~ 37/
DECLARANT/AFFGANT/PROTECTED CLASS/VICTIM/DEFENDANT/PETITIONER (v. And.)
SOUTH MISSISSIPPI CORRECTIONAL INSTITUTE
SUITE 226894 S HWY 63 N; PENTHOUSE U8-T406L
LEAKESVILLE, MI. 39451-0139, DATED: 12/23RD/2014. 17.R.C.P.11.

38

PRAYED GRANTED PLEASE, DRAFTED AND FILED
CIVIL LIABILITY OF MISSISSIPPI DEPARTMENT OF CORRECT-
IONS COMMISSIONER MR. CHRISTOPHER L (B). EPPS FOR FAILURE
TO PERFORM DUTIES (M.C.A. (1972), §§ 25-1-45; MS. ST. §§ 25-1-45 (1972));

(1. LIABILITY OF PUBLIC OFFICER OR BODY FOR HARM DONE BY
PRISONER PERMITTED TO ESCAPE, 44 A.L.R. 3d 899;

(2. OFFICER PERMITTING ESCAPE OF PRISONERS, M.C.A. (1972), §§
97-9-39; MS. ST. §§ 97-9-39 (1972);

(3. CONSTITUTIONAL REQUIREMENT THAT PUBLIC OFFICER OR
EMPLOYEE PERSONALLY DEVOTE HIS TIME TO PERFORM-
ANCE OF DUTIES, MISS. CONST. §§ 267(1) 75, 200, AND U.S.C.A.
CONST. ADMT. XIV (enforcement) (M.C.A. (1972); MISS. 1890)

(4. PUNISHMENT OF OFFICERS FOR FAILING IN THEIR DUTIES
UNDER THE VAGRANCY CHAPTER, M.C.A. (1972), §§ 97-35-43;
MS. ST. §§ 97-35-43 (1972);

(5. PENALTY FOR CONSTABLE'S NEGLECT OF DUTY, M.C.A. (1972), §§
19-19-15; MS. ST. §§ 19-19-15 (1972);

(6. PENALTY FOR DEMANDING AND RECEIVING A FEE FOR
SERVICE NOT PERFORMED, M.C.A. (1972), §§ 97-11-33; MS. ST. §§
97-11-33 (1972);

(7. LIABILITY FOR FAILURE TO RETURN EXECUTION, M.C.A. (1972),
§§ 19-25-41; MS. ST. §§ 19-25-41 (1972);

(8. PENALTY ON CLERK FOR FAILURE OF DUTY, AS TO LAND AND
CONVEYANCES, M.C.A. (1972), §§ 89-5-43; MS. ST. 89-5-43 (1972);

- (9. PENALTY FOR UNAUTHORIZED MUNICIPAL APPROPRIATION, M.G.A. (1972), §§ 21-39-15; M.S. ST. §§ 21-39-15 (1972))
- (10. PENALTY FOR VIOLATING CHAPTER ON PUBLIC PURCHASES, M.G.A. (1972), §§ 31-7-55; M.S. ST. §§ 31-7-55 (1972);
- (11. REMOVALS FROM OFFICE, M.G.A. (1972), §§ 25-5-1 ET SEQ.; M.S. ST. §§ 25-5-1 ET SEQ. (1972);
- (12. LIABILITY OF TAX COLLECTOR AND ASSESSOR, M.G.A. (1972), §§ 27-29-29 (1972);
- (13. DUTIES OF STATE TAX COMMISSION, M.G.A. (1972), §§ 27-3-31, 27-3-33; M.S. ST. §§ 27-3-31, 27-3-33 (1972); and
- (14. DUTIES OF TAX COLLECTOR, M.G.A. (1972), §§ 27-1-5; M.S. ST. §§ 27-1-5 (1972)). PURSUANT THRU M.G.A. (1972), §§ 97-11-37 (failure to perform any duty) AND 97-11-35 (failure to return known offenders; purposeful avoidance of knowledge of offense), FOR COMPLAINT IN CAUSE NUMBER(S) 350-05 ET AL. (ET SEQ.) (TENTH JUDICIAL DISTRICT COURT, MISS.), 95-025-S ET AL. (ET SEQ.) (TWELTH JUDICIAL DISTRICT CHANCERY COURT, MISS.), AND AND, PURSUANT THRU LAW (LAWS 1979, CH. 508, § 6; LAWS 1982, CH. 488, § 12; LAWS 1983, CH. 499, § 24; LAWS 1986, CH. 348, § 12; LAWS 1988, CH. 546, § 3; LAWS 1990, CH. 491, § 12; LAWS 1995, CH. 360, § 12; LAWS 1998, CH. 350, § 10, EFF. JUNE 8, 1998. AMENDED BY LAWS 2008, CH. 562, § 6, EFF. AUGUST 5, 2008, AND RELEVANT NOTES OF DECISIONS (2) (Complaints; proceedings; enforcement; appeal; effect of actions.). COMPLAINT. PRAYED GRANTED PLEASE, PROSECUTION AND EXECUTION OF THRU THE

NOTE: SO MEANT CHARGED (CRIMINAL LAW KEY 764; TRIAL KEY 182, 213, C.S.S. Criminal Law §§ 1302-1305; ALA §§ 45-4-486, 488, 492, 498, 500, 548. CRIMINAL LAW KEY 208.) WITH DEADLY WEAPON (MODEL PENAL CODE § 210.0(1)) ON THE FORMER COMMISSIONER MR. CHRISTOPHER L(B). EPRS, ET AL.

"TRUE AND CORRECT" AUTHORITY(S), VENUE(S), AND JURISDICTION(S) FOR FINAL DECREE AND JUDGMENT (MISS. CONST. §51(1)) FOR THE ABOVE PREJUDICE, BIAS, DELIBERATE INDIFFERENCE(S), DISCRIMINATION(S), NEGLIGENCE(S), ADMINISTRATIVE (EXECUTIVE GOVERNMENTAL) PREJUDICES AND BIASES, BULLYNESS, AND AND, BY MR. CHRISTOPHER L(B). EPPS (Miss. Dep't. of Corr(s). COMMISSIONER: DEE, SUPERVISORY / RESPONDEAT SUPERIOR LIABILITY also.)'S OF THIS Complainant ABOVE CLAIM ARE CLAIM FOR RELIEF. *Wheeler vs. Walton*, 6 N.S. App. 415, 170 S.E. 2d 166, 169: Interstate Detainee Act (I.R.O. (26 U.S.C. § 501(c)(4)(B)) CITED CASE: M.S.A. (1972), § 1-1-8 (EVIDENCE), 1-1-9 (incomplete, jurisdiction, injunction), 71-11-3 (Mississippi Employment Protection Act; definitions; citizenship or residency employment eligibility; status verification; prospective effect; discriminatory practices; liabilities, immunities, exemptions; third-party employees; deadlines; violations; penalties), 1-1-33, 1-1-11: RESTATEMENT (2ND) OF LAWS § 388 CMT. 2 (1974) (SUCCESSION: derivative SUCCESSION), 1-3-49, 1-5-11, 1-5-21 (state), 1-1-11; 1-5-3, 1-5-9; 1-5-13; 1-5-25 (sheriffs AND duty sheriffs), 1-1-34, 1-3-77 (DIVERSITY OR DIVERSITY: DEPRIVATION: saving statutes OR provisions (MISS. CONST. § 103(10)), 1-3-4, 1-1-23 (SENTENCE AND PUNISHMENT), 1-3-25, 1-3-45; 1-1-12; 1-1-11 (DAMAGES) (PROPERTY), 1-3-4 (PERSONS AND PERSONS), 1-3-67, 1-3-69 (PROCEED AND SERVICE OF PROCESS AND PAPER: notice), 1-5-19 (3X), 1-5-3 (PRESERVATION OF RECORDS), 1-3-66, 1-3-75 (petition), 1-3-1 (APPLICATION), 1-3-9 (

NOTE: XX (pg. 40) MISSED CIVIL RIGHTS ATTORNEY'S FEES AWARDS ACT OF 1976, § 2, 90 STAT. 2641, 42 U.S.C. § 1988 (1976 ED): S. REP. NO. 94-1011, P. 5 (1976): U.S. CODE CONG. & ADMIN. NEWS 1976, PP. 5408, 5912: H.R. REP. NO. 94-1558, P. 9 (1976): 56 L. ED. 2d 845: 43 L. ED. 2d 833

established), 1-3-3:25-1-13 et seq. (land), 1-3-5:1-3-11, 1-3-19,
 1-3-37, 97-1-1 et seq. (crime), 1-3-11:47-1-1 et seq. § 99-14-15
 (felony), 97-9-45 (escape), 1-3-19:1-3-11, 97-1-1 et seq.
 infamous crime), 1-3-25:84-1-1 et seq. (real property),
 1-3-58:43-13-1 et seq. (legal disabilities), 1-1-111 (approval),
 1-1-53, 1-1-11, 1-1-103, 1-5-7 (attorney general), 1-1-24 (action),
 1-3-45:97-45-1 et seq. (property), 1-3-53:1-3-35 (owner),
 1-3-61:89-1-3, 91-5-1 (written), 1-3-73:4-1-11, 25-1-53,
 91-1-1 et seq., MASS. CONST. ART. VII, § 165 (civil law), 25-43-1
 THRU 25-43-19 (REV. 1999) (administrative law), 11-46-1 THRU
 11-46-23 (1993) and 11-45-1 THRU 11-45-25 (1938) (Missis-
 sippi Sett Claim Act), 73-3-55 (outlined the practice
 of law without a license), 47-5-1101 THRU 47-5-1123 (special needs),
 11-35-1 THRU 11-35-61 (penishment), 11-37-1
 THRU 11-37-157 (replevin), 11-38-1 THRU 11-39-9 (claim and
 delivery), 11-51-1 THRU 11-51-113 (appeals), 11-49-1 THRU 11-49-11
 (rights and duties of attorney), 11-41-1 THRU 11-41-21 (mandamus),
 11-43-1 THRU 11-43-25 (habeas corpus), 11-53-1 THRU 11-53-81 (costs),
 11-11-1 THRU 11-11-59 (venue of action), 11-11-51 THRU 11-11-59 (change
 of venue), 11-13-1 THRU 11-13-39 (injunctive), 11-15-1 THRU 11-15-143
 (admission and awards), 11-17-1 THRU 11-17-37 (suit confers
 title or interest and to remove clouds of title), 11-19-1 THRU
 11-19-105 (ejectment), 11-23-1 THRU 11-23-29 (trial of right of
 property), 1-1-22 (appeal), 1-1-21 (answer or plea; defense), 1-1-23
 (forfeiture), 99-39-5 (motion for relief; grounds; limitations;
 definitions), 11-3-23 (judgment for damages against appellant on

affirmance of judgment or on failure to prosecute appeal; computation), 75-76-119 (written decisions of hearing examiners; review), 47-1-31 (grand jury examination), 99-42-9 (powers and duties of division), 47-5-157 & 47-5-177 (discharge procedure), 25-4-105 (contract restrictions and other prohibited conduct; penalties), 47-5-10 (department functions), 25-5-11 (criminal convictions or pleas; mental competency), 41-7-17 (all negligence issue for jury), 11-46-9(1)(c), 9-5-43, 47-1-25, -29, -19, 19-3-39, 47-5-41, 33-1-33, 47-5-54, 45-6-3, 99-15-29

MS. R. UNIF. CTR. AND CTY. PRAC. RULES 5.03 (scope of appeals from administrative agencies), 2.04 (duty of monitor), AND CAL. (CALIF.); 42 U.S.C. §§ 1997e (a), (f)(1)(2), (2)(1), (d)(2), (g)(2), (e); 28 U.S.C. §§ 4346(b)(2), 1983(1994) (EMPHASIS ADDED), 2000e-5, 2000e-1(a), 3789d, 1981 THRU 1988; 1992a (state immunity), 19905 (attorney's fee), 19903 (prohibition against retaliation and coercion), 12133 (enforcement), 12117 (enforcement), 14141 (cause of action), 1975b-1975e, 92 STAT. 1067(1978) (Civil Rights Commission Act of 1978); 28 U.S.C. § 1447, 42 U.S.C. §§ 1971, 1975 a-d, 2000a-2000h-6; 78 STAT 241(1964; Civil Rights Act (1964)),

ADMINISTRATIVE LAW AND PROCEDURE KEY 309 and ADMINISTRATIVE LAW AND PROCEDURE KEY 464 (Administrative process), ADMINISTRATIVE LAW AND PROCEDURE KEY 309, 341-313. C.F.S. Public Administrator Law and Procedure §§ 71, 75-171 (evidentiary hearing), COUNTYS KEY 38. C.J.S. County § 63 (County Commissioner)

RESTATEMENT (2ND) OF TORTS § 500 (reckless disregard of safety),
 MODEL PENAL CODE § 211.2 (recklessly endangering), RESTATE-
 MENT (2ND) OF CONTRACTS § 334 (condition), MODEL PENAL CODE
 §§ 1.13(5) (conduct), 5.03(1) (conspiracy), U.S.C. §§ 551 ET SEQ.
 701 ET SEQ. 60 STAT. 237 (1946), AS AMENDED AND REVISED BY 80
 STAT. 381, 392 (1966) 5 U.S.C. § 550 ET SEQ. (1946) (Administrative
 Procedure Act), U.S.C. Tit. 9, § 61 STAT. 669, C-392 (1947) (Religious
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ion §§ 87, 95; PATENTS KEY 90(3). C.T.S. Patents § 125); GOOD FAITH
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DENCE DETERMINED 400 (SARAH AUSTIN ED., 2010 1864) (ALSO 1864); RESTATE-
MENT (3RD) OF TORTS § 6 CMF. 2 (DISCUSSION DRAFT 1994); RESTATEMENT (2ND) OF

TORTS §4(6); Marshall S. Shapiro, THE DUTY TO ACT $x \frac{1}{2} - x \frac{1}{2}$ (1972); William
 S. Browder, PALS GRAF REVISITED, 52 MICH. L. REV. 1, 15 (1953); NEGLIGENCE
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 168, 189. C.T.S. Contracts §§341-342, 346-347 (duty of good faith
 and fair dealing), SEARCHES AND SEIZURES (MISS. CONST. ART. III, §22),
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 by 191), HARASSMENT (MODEL PENAL CODE §§250.4), ~~IN~~ RE PRISON
 LITIGATION REFORM ACT (PUB. L. NO. 104-134, §§ 801-810, STAT. 1991 (1990)),
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 PENAL CODE §§ 240.1, 240.3, 240.8; 18 U.S.C. §§ 201(b)(2), CONTEST
 IN RE HOLTERMAN'S ESTATE, 206 C.A. 20 460, 23 CAL. RPT. 685, 690),
 INHERENT POWER (RESTATEMENT, 2ND AGENCY §6; RESTATEMENT, PRO-
 PERTY, §3) (RESTATEMENT, 2ND AGENCY § 9 A), COMPLETELY INDIGENT
 ROLLERS. Blum, 107 F. 30227, 233 (4th Cir. 1997) Id. (quoting Evans vs. Croom, 650 F. 2d
 501, 524 (4th Cir. 1981)), ABSOLUTE DESTITUTE (Hail G. Baker's DeWolf, PROTECTING
 THE COURTS FROM THE BARRAGE OF FRIVOLOUS PRISONER LITIGATION: A LOOK AT JUDICIAL
 REMEDIES AND OHIO'S PROPOSED LEGISLATIVE REMEDY, 57 OHIO ST. L.J. 257, 261 (1996)
 at 283), TRULY DESTITUTE (Michael J. Muller, ABUSIVE PRO SE PLAINTIFFS IN
 THE FEDERAL COURTS: PROPOSALS FOR JUDICIAL CONTROL, 18 J.L. REFORM 93,
 157 (1984), at 154. See, TEX. CIV. PROC. & REM. CODE §14.006), FLUID EXCEPT-
 ION (Brief for the United States as Intervenor, GIBBS VS. ROMAN,
 C.A. NO. 96-3534, U.S.C.A. FOR THE 3RD CIR. (1996)), FILE FREE (GEN. ORDER
 NO. 77-1 (S.D. TEX. APR. 19, 1977)), FRIVOLITY (Howard A. Eisenberg, RETHINKING
 PRISONER CIVIL RIGHTS CASES AND THE PROVISION OF COUNSEL, 17 S. ILL. U. L.J.

417, 419, 438, 440 (1993).), AUTHORIZES OFFENDER FEE SETOFFS IN IN-
MATES LITIGATION (ARIZ. REV. STAT. ANN. §31-238D (WEST 2002)),
PRISONER'S PRIVACY RIGHTS (FALSE LIGHT; INVASION-OF-PRIVACY) (18 U.S.C. §§
1658(b));

"I DECLARE/VERIFY/CERTIFY UNDER PENALTY OF PERJURY OF THE UNITED STATES OF AMERICA LAWS THAT THE FOREGOING IS TRUE AND CORRECT.
EXECUTED ON DECEMBER 23RD, 2014 (18 U.S.C. §§ 1621; 28 U.S.C. §§ 1746; 2201-2202, 48 STAT. 955 (1944) (F.R.E. 804(b)), 1915 (e) (1978/1993), (2), (c), (d), (e)(1), (b), (e)(2), (g); 40 U.S.C. §§ 258 (a))

Michael Henry Heard
MICHAEL HENRY HEARD (1#34476 / ABSOLUTE, COMPLETELY, AND TRULY DESTITUTE
TYPE PROB SE INDIGENT / GRAND JURY BEY 37 / PETITIONER / COMPLAINTANT / MAN-
DATOR / DECLARANT / ... / And,.)
SOUTH MISSISSIPPI CORRECTIONAL INSTITUTION (Suite 22684 W. S. HWY. 63N. 1.
Penthouse 48-T406L) - LEAKESVILLE, MI. 39451-0139, DATED: 12/01/14.
2014, M.R.C.T.P. 11. CITED CASE NO: COURT RULED (COURT BEY 78-85,
FEDERAL CIVIL PROCEDURE BEY 21, C.T.S. COURT 587, 124-130, 132-134,
EVIDENCE 871: COURTS BEY 804)